

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 IN RE RICHARD FARIBORZ AFRAND

Case No.: 2:25-cv-00131-APG

4 RICHARD FARIBORZ AFRAND,

**Order Denying Motion for Leave to  
Proceed in Forma Pauperis**

5 Appellant

[ECF No. 19]

6 v.

7 BRIAN D. SHAPIRO, et al.,

8 Appellees

9 Pro se appellant Richard Afrand filed an application to proceed in forma pauperis. ECF  
10 No. 19. I deny the application because it appears from the application that he can pay the filing  
11 fee.

12 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of  
13 fees or security therefor” if the plaintiff submits a financial affidavit that demonstrates the  
14 plaintiff “is unable to pay such fees or give security therefor.” There “is no formula set forth by  
15 statute, regulation, or case law to determine when someone is poor enough to earn [in forma  
16 pauperis] status.” *Escobedo v. Applebees*, 787 F.3d 1226, 1235 (9th Cir. 2015). An applicant  
17 need not be destitute to qualify for a waiver of costs and fees, but he must demonstrate that  
18 because of his poverty he cannot pay those costs and still provide himself with the necessities of  
19 life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

20 The applicant’s affidavit must state the facts regarding the individual’s poverty “with  
21 some particularity, definiteness and certainty.” *United States v. McQuade*, 647 F.2d 938, 940  
22 (9th Cir. 1981) (quotation omitted). If an individual is unable or unwilling to verify their  
23 poverty, district courts have the discretion to make a factual inquiry into a plaintiff’s financial

1 status and to deny a request to proceed in forma pauperis. *See, e.g., Marin v. Hahn*, No. 06-  
2 56042, 271 Fed. App'x 578, 2008 WL 819197, at \*1 (9th Cir. March 24, 2008) (finding that the  
3 district court did not abuse its discretion by denying the plaintiff's request to proceed in forma  
4 pauperis because he "failed to verify his poverty adequately"). Misrepresentation of assets is  
5 sufficient grounds for denying an in forma pauperis application. *See, e.g., Kennedy v.*  
6 *Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after a  
7 litigant misrepresented assets on his in forma pauperis application).

8 Afrand's application states that he receives \$967 in disability payments and \$284 in  
9 SNAP per month. ECF No. 19 at 1. He identifies \$620 in monthly expenses. *Id.* at 2. Afrand  
10 also indicates that he owns a \$400,000 house and a \$12,000 automobile "Paid in Full." *Id.* at 2.  
11 Afrand does not explain why, given these assets, he cannot pay the filing fee either out of his  
12 disability and SNAP payments that exceed his expenses by over \$600 per month or through other  
13 means, for example, a loan secured by the car or house. Consequently, I deny Afrand's  
14 application, and Afrand must pay the filing fee in full.

15 I THEREFORE ORDER that appellant Richard Afrand's application to proceed in forma  
16 pauperis (**ECF No. 19**) is **DENIED**. Afrand has until April 18, 2025 to pay the filing fee.  
17 Failure to timely comply with this order may result in this case being dismissed.

18 DATED this 31st day of March, 2025.

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22 ANDREW P. GORDON  
23 CHIEF UNITED STATES DISTRICT JUDGE